

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1, 3-5, and 8-22 are now pending. Claims 2, 6, and 7 are canceled, claims 1, 3, 8, and 12 are amended, and new claims 20-22 are added. No new matter has been added.

Objection to Drawings

The drawings are objected to for including reference numbers 404 and 406 (Fig. 4) that are not mentioned in the specification. Paragraph 59 is amended to mention reference numbers 404 and 406 as shown in Fig. 4. No new matter has been added. It is believed that this objection is now overcome.

Objections to Specification

The disclosure is objected to for various informalities in paragraphs 23, 54, 60, 61, 63, and 65. These paragraphs have been amended as requested by the Examiner. No new matter has been added. It is believed that this objection is now overcome.

Double-Patenting Rejection

Claims 1-21 are rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,584,938. A Terminal Disclaimer will be submitted as appropriate upon the indication that acceptable claims are otherwise allowable.

Art-Based Rejections

The art-based rejections are as follows:

- Claims 1 and 16 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,360,696 to Arnold et al. (“Arnold”).
- Claims 8 and 9 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,223,693 to Perlberg et al. (“Perlberg”).
- Claims 1, 6, 7, 8, 9, 12, 13, 15, and 16-19 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,743,458 to Gellman et al. (“Gellman”).

- Claims 1 and 16-19 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,702,929 to Lehn et al. (“Lehn”).
- Claims 1-5, 10, 17, and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Perlberg in view of Arnold.
- Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Perlberg in view of Arnold, and further in view of U.S. Patent No. 5,456,933 to Lee (“Lee”).
- Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Gellman.
- Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Perlberg in view of Arnold, and further in view of U.S. Patent No. 4,692,341 to Ikeuchi et al. (“Ikeuchi”).

Independent Claim 1

Independent claim 1 is amended to recite an animal chew, comprising a composite of animal hide bits, adherent, and pieces of jerky interspersed in the composite and discrete from the animal hide bits, wherein the animal hide bits make up at least 60% of a weight of the composite.

Arnold fails to teach or suggest animal hide bits making up at least 60% of the weight of a composite. To the contrary, the chew toy of Arnold is mostly gelatin, plasticizer, and water. Arnold, col. 2, lines 47-51.

Gellman also fails to teach or suggest animal hid bits making up at least 60% of the weight of a composite. Instead, the canine biscuit of Gellman is mostly a wheat-based dough. *See, e.g.*, Gellman, col. 7, lines 8-11; col. 9, lines 49-61.

Lehn fails to teach or suggest pieces of jerky interspersed in a composite. Instead, Lehn discloses a munchy containing fishmeal. Lehn, col. 3, lines 28-29.

As for the proposed combination of Perlberg and Arnold, the Office Action correctly acknowledges that Perlberg does not teach or suggest pieces of flavor product such as jerky,

and instead relies on Arnold to suggest adding bits of meat to the Perlberg product. However, there is nothing to teach or suggest what percentage by weight of animal hide bits would be in the final modified product. Perlberg discloses that the raw *ingredients* include 25-65% rawhide flour. However, there is no teaching or suggestion in Perlberg as to what percentage of weight of the actual *product* would be rawhide. Moreover, by adding bits of meat to the Perlberg product as proposed, there is no way to know how much this would affect the percentage of rawhide by weight. By adding other ingredients such as bits of meat, the relative percentage by weight of the original ingredients, such as rawhide, would decrease. In addition, there would have been no reason that one would have desired to add bits of meat to the product of Perlberg, since Perlberg already has flavor and scent added (col. 5, line 9).

For at least these reasons, it is submitted that claim 1 as amended is allowable.

Independent Claim 8

Independent claim 8 as amended recites an animal chew, comprising a plurality of discrete, spaced, meat pieces within a solidified animal hide granulate paste.

Perlberg fails to teach or suggest discrete, spaced, meat pieces.

Gellman fails to teach or suggest a solidified animal hide granulate paste. Instead, the canine biscuit of Gellman is mostly a wheat-based dough (Gellman, col. 7, lines 8-11; col. 9, lines 49-61), with particles of meat and/or meat by-product mixed in with the dough.

For at least these reasons, it is submitted that claim 8 as amended is allowable.

Independent Claim 12

Independent claim 12 as amended recites an animal chew, comprising a body having a plurality of bound animal hide bits, and a plurality of jerky pieces discrete from the plurality of animal hide bits.

Gellman fails to teach or suggest jerky pieces discrete from animal hide bits. Instead, Gellman discloses using “meat and/or meat by-product particles,” (col. 4, line 14), where the term “meat by-product” includes animal skins (col. 6, lines 29-34). Gellman discloses three

possibilities regarding use of these particles: a product that includes 1) meat particles, or 2) meat by-product particles, or 3) particles each containing both meat and meat by-products. Gellman, col. 6, lines 43-46. However, Gellman fails to teach or suggest meat particles and meat by-product particles, discrete from each other and both in the same canine biscuit.

For at least these reasons, it is submitted that claim 12 as amended is allowable.

Independent Claim 16

Independent claim 16 recites a method of making an animal chew comprising providing animal hide bits, mixing adherent with the animal hide bits to form a paste, providing flavor chunks, and encasing the flavor chunks in the paste.

Arnold fails to teach or suggest encasing flavor chunks (or anything, for that matter) in a paste. Arnold discloses that the bits of meat may be added to the chew toy (col. 2, lines 13-14), but does not indicate how the bits of meat are added. The Office Action does not indicate how it is believed that Arnold teaches the claimed step of encasing. Should this rejection be sustained, Applicants respectfully request clarification as to this point.

Gellman fails to teach or suggest mixing adherent with animal hide bits to form a paste. Instead, the canine biscuit of Gellman is mostly a wheat-based dough (Gellman, col. 7, lines 8-11; col. 9, lines 49-61), with particles of meat by-product mixed in with the dough. However, no paste is ever formed in Gellman by mixing adherent and animal hide bits. Gellman also does not teach or suggest the claimed step of encasing in the paste. Instead, the meat by-product particles are blended with the wheat-based dough. Gellman, Abstract. The Office Action does not indicate how it is believed that Gellman teaches the claimed steps of mixing to form the paste and encasing. Should this rejection be sustained, Applicants respectfully request clarification as to these points.

Lehn also fails to teach or suggest encasing flavor chunks (or anything, for that matter) in a paste.

For at least these reasons, it is submitted that claim 16 as amended is allowable.

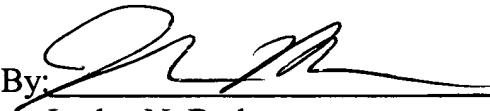
Dependent Claims

The remaining dependent claims are also allowable by virtue of depending from allowable independent claims, and further in view of the additional features recited therein. Moreover, the attempted addition of Ikeuchi and Lee fails to overcome the above-discussed deficiencies in the asserted references.

Conclusion

For at least the reasons set forth above, Applicants submit that the pending claims distinguish over the applied references, and are in condition for allowance. Should the Examiner feel that further discussion and/or amendment would be helpful in the prosecution of this application, the Examiner is invited to contact Applicants' undersigned representative at the number below.

Respectfully submitted,

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